IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33015 of 2008

1. KRISHNA RAI
   S/o- Late Dular Rai
2. Sunil Rai
   S/o- Babu Lal Rai
3. Jagarnath Rai
   S/o- Newa Rai
4. Babulal Rai
   Late Lalpat Rai
5. Manoj Rai
   Devilal Rai

Versus
STATE OF BIHAR
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2. **17.10.2008** Heard learned counsel for the petitioner and the State.

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Petitioners are accused in a case registered for the offences under Sections 147, 148, 149, 447, 427, 504, 506, 341, 323, 324, 307, 329 of the Indian Penal Code and 27 of the Arms Act.

It is submitted that during the pendency of this application petitioner no. 2, Sunil Rai and petitioner no. 4, Babulal Rai have been arrested. As such, application against them has become infructuous. Accordingly, the application against them is dismissed as infructuous. It is further submitted that the only allegation against the petitioner no.1, Krishna Rai is that he is an order giver and there is no appropriate allegation of assault against him. It is further submitted

that there is a case and counter case as would appear on perusal of the FIR as contained in Annexure-2 with respect to the same incident.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of six weeks from today, the petitioner, namely, Krishna Rai, Jagarnath Rai and Manoj Rai be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 28 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Jagdish/- **(Shailesh Kumar Sinha,J)**